



D-1131 R

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	)	
<b>Paul Magee, et al.</b>	)	
	)	
Serial No.: <b>09/778,604</b>	)	Art Unit 3624
	)	
Confirmation No.: <b>4603</b>	)	
	)	
Filed: <b>February 7, 2001</b>	)	Patent Examiner
	)	Geoffrey R. Akers
	)	
Title: <b>Automated Financial Transaction</b>	)	
<b>Apparatus With Interface That</b>	)	
<b>Adjusts To The User</b>	)	

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**SUPPLEMENTAL BRIEF OF APPELLANTS  
PURSUANT TO 37 C.F.R. § 1.192**

Sir:

The Appellants hereby request reinstatement of the appeal pursuant to 37 C.F.R. § 1.193(b)(2). The Appellants hereby submit their Supplemental Appeal Brief pursuant to 37 C.F.R. § 1.192, in triplicate, concerning the above-referenced Application. No fee is deemed required.

## **REAL PARTY IN INTEREST**

The Assignee of all right, title and interest to the above-referenced Application is Diebold, Incorporated, an Ohio corporation.

## **RELATED APPEALS AND INTERFERENCES**

Appellants believe that there are no related appeals or interferences pertaining to this matter.

## **STATUS OF CLAIMS**

Claims 1-43 are pending in the Application.

Claims 1-43 were rejected under 35 U.S.C. § 112, second paragraph, as failing to point out and particularly claim what Appellants regard as their invention.

Claims 1-43 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Sadler (US 6,571,218) in view of Pare, Jr., et al. (US 6,154,879; hereinafter "Pare") and further in view of Nicoll, et al. (US 6,484,936; hereinafter "Nicoll").

These rejections were the only rejections present in the Office Action ("Action") dated March 3, 2004. Appellants appeal the rejections of claims 1-43, inclusive.

## STATUS OF AMENDMENTS

No final rejection is pending. Prosecution was reopened in response to Appellants' Appeal Brief filed December 16, 2003. Therefore, no amendments to the claims were requested to be admitted after a final rejection.

Appellants acknowledge the Office's admission by implication that previously appealed rejections have been withdrawn because of arguments presented in the Appeal Brief filed December 16, 2003. As shown in more detail herein, Appellants' claims are also allowable over the pending new grounds of rejection. Thus, Appellants respectfully request reinstatement of their appeal pursuant to 37 C.F.R. § 1.193(b)(2).

## SUMMARY OF INVENTION

### Overview of an exemplary form of the Invention

An exemplary form of the invention is directed to an ATM having a user interface that adjusts to the particular user operating the ATM. A user is able to communicate with the ATM (10) through the user interface, which includes a movably mounted display screen (14), a keypad (22), and other input and output devices. The ATM (10) also includes a cash dispenser (34) and a cash acceptor (36).

A data store (114) includes data corresponding to a plurality of users authorized to operate the ATM. For each of the authorized users, there is stored in the data store an associated characteristic feature. For example, a characteristic feature of a user may correspond to a facial appearance feature of that particular user. The characteristic feature can be sensed by the ATM for purposes of identifying that particular user.

The data store also includes one or more ATM interface parameters for each particular authorized user. The interface parameters are usable for purposes of controlling operation or adjusting positioning of a user interface component of the ATM. For example, an interface parameter for a particular user may pertain to a user-preferred position of the display screen (14). Another interface parameter, which may be assigned to a visually impaired user, can be used to cause the ATM to function without operation of the display screen (14) so as to prevent observation of account information by an unscrupulous person standing near the visually impaired user.

In an exemplary operation, a characteristic feature (e.g., a facial feature) of a user adjacent to the ATM is sensed by a reading device (e.g., camera 18). A computer (62) operates to cause the sensed characteristic feature to be compared to user data in the data store (114). A determination is made whether the sensed characteristic feature corresponds to an authorized user. Once the particular user has been identified as an authorized user, the interface parameters (e.g., a specific display screen height and angle of tilt) associated with that particular authorized user are determined. These interface parameters can then be used to cause the ATM user interface to be adjusted in accordance with that particular user's desired parameters (which are stored in the data store). For example, included in the ATM (10) is a movement mechanism (80, 82) that can be used to move the display screen (14) to the height and angle of tilt set forth in the interface parameters that correspond to that particular authorized user. Hence, the display screen can be automatically adjusted for the particular user based upon a sensed characteristic feature of that user.

## CONCISE STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

The questions presented in this appeal are:

- 1). Whether Appellants' claims 1-43 are unpatentable under 35 U.S.C. § 112, second paragraph, because the claims do not set forth the subject matter that Appellants regard as their invention.
- 2). Whether Appellants' claims 1-43 are unpatentable under 35 U.S.C. § 103(a) over Sadler in view of Pare and further in view of Nicoll.

## GROUPING OF CLAIMS

No groups of claims stand or fall together. Reasons are provided in the Argument section herein. The arguments presented hereafter provide reasons why each of the claims is separately patentable. Appellants present for each respective separate claim a corresponding respective separate argument as to why the claim is patentable over the rejection applied thereto. Reasons are provided how each claim recites additional features of the invention which distinguishes the claim over every other pending claim. Reasons are further provided how each of the claims recites at least one element, combination of elements, or step not found or suggested in the applied references, which patentably distinguishes each claim.

The pending claims include four independent claims (claims 1, 32, 37, and 38). Claims 2-31 depend from independent claim 1. Claims 33-36 depend from independent claim 32. Claims 39-43 depend from independent claim 38. All pending claims 1-43 are reproduced in the Appendix.

## ARGUMENT

### The Applicable Legal Standards

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Appellants are under no obligation to submit evidence of nonobviousness. MPEP § 2142 (Eighth Edition, August 2001; Rev. 1, Feb. 2003).

The teaching, suggestion, or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Even if all of the features recited in the claim are known in the prior art, it is still not proper to reject a claim on the basis of obviousness unless there is a specific teaching, suggestion, or motivation in the prior art to produce the claimed combination. *Panduit Corp. v. Denison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

The evidence of record must teach or suggest the recited features. An assertion of basic knowledge and common sense not based on any evidence in the record lacks substantial evidence support. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001).

A determination of patentability must be based on evidence of record. *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002).

It is respectfully submitted that the Action from which this appeal is taken does not meet these burdens.

#### **The Sadler Reference**

Sadler is directed to improvements to retail checkout systems (col. 1, lines 8-12), such as those for the self-checkout of groceries (col. 2, lines 30-31). Sadler teaches a system (10) for remote approval of transactions occurring at self-checkout terminals (12) on a network (24). The self-checkout terminals (12) monitor the self-checkout activities performed to determine whether an issue has arisen requiring intervention by store personnel. Detected issues are prioritized and placed into an issues log (34). A remote authorization station (26) connected into the network (24) accesses the issues log (34) to review and resolve the issues that have arisen in priority order (col. 2, line 62 to col. 3, line 4). Where it is determined that an issue has arisen at a self-checkout terminal (12) that cannot be handled by the remote authorization station (26), the transaction is suspended at the self-checkout terminal (12), and then completed at a personnel-operated terminal (36) (col. 3, lines 5-13). Particularly note Figures 1 and 2.

#### **The Pare Reference**

Pare is directed to a method for tokenless biometric access to financial accounts at an institution using an ATM. The tokenless method replaces the ATM card + PIN method for

identifying a financial account and authorizing a user (col. 4, lines 60-65). No portable man-made memory devices such as smartcards or swipe cards are used by the user (Abstract).

A user first registers with an electronic identifier (1), information regarding a user's biometric sample (e.g., a fingerprint) and the user's financial account. Users register with the identifier (1) via a user registration ATM (col. 13, lines 10-15; col. 20, lines 44-49). To use an ATM (2) for a transaction, a user initiates an account access request at the ATM by submitting at least one biometric sample directly from the user's self (col. 7, lines 35-37). The account access request message comprising the user's submitted biometric sample is forwarded from the ATM to the electronic identifier (col. 9, lines 25-27). The electronic identifier (1) compares the submitted biometric sample with a registered biometric sample, to produce either a successful or failed identification of the user. Upon a successful identification of the user, the financial account of the user is retrieved for access by the user (col. 9, lines 27-38). Particularly note Figure 1.

### **The Nicoll Reference**

Nicoll is directed to a self-service terminal. Nicoll desires that a user have no physical contact with the terminal (Abstract; col. 1, lines 38-40; col. 2, lines 1-9). A processor (30) controls the terminal. A biometric sensor (14) is used for establishing the identity of the user by sensing a physical trait (e.g., iris pattern) of the user. Nicoll is able to accomplish non contact operation with the terminal by using biometrics along with a speech generator (18) and a speech processor (20). In Nicoll, the terminal and the user can "converse" with each other (col. 2, lines 8-9).



(ii) 35 U.S.C. § 112, Second Paragraph

Claims 1-43 have been rejected under 35 U.S.C. § 112, second paragraph, as failing to point out and particularly claim what the Appellants regard as their invention. The Appellants respectfully traverse the rejections.

The Action is silent as to how the claims fail to recite what Appellants regard as their invention. Appellants respectfully decline to speculate as to how the claims do not set forth the subject matter that Appellants regard as their invention. A rejection based on the failure to satisfy this requirement of 35 U.S.C. § 112, second paragraph, is appropriate only where the Appellants have stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims (MPEP § 2172). The Office has provided no evidence that shows that a claim does not correspond in scope with that which Appellants regard as their invention. The Appellants are claiming the subject matter that they regard as their invention.

Nor are the independent claims indefinite, as alleged. The Action is silent as to how any of the claims are indefinite. Appellants respectfully decline to speculate. The claimed subject matter can be understood by one having ordinary skill in the art. The claims particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

In conclusion, the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Thus, it is respectfully submitted that the 35 U.S.C. § 112, second paragraph, rejections should be withdrawn.

(iii) 35 U.S.C. § 103

Appellants traverse the rejections on the grounds that Appellants' claims recite features and relationships which are neither disclosed nor suggested in the prior art, and because there is no teaching, suggestion, or motivation cited so as to produce Appellants' invention. The features and relationships recited in Appellants' claims patentably distinguish over the applied references.

Appellants respectfully submit that none of the applied references, taken alone or in combination, teach or suggest the features and relationships that are specifically recited in the claims. The Office has not established a *prima facie* showing of obviousness. Additionally, even if it were somehow possible for the references to have disclosed certain features as alleged, it still would not have been obvious to one having ordinary skill in the art to have combined the references as alleged. Furthermore, even if it were somehow possible for the references to be combined as alleged, the resultant combination still would not have produced Appellants' claimed invention. That is, it would not have been obvious to one having ordinary skill in the art to have combined the references as alleged to have produced the recited invention. Thus, Appellants respectfully submit the rejections are improper and should be withdrawn.

**The Pending Claims Are Not Obvious Over  
Sadler in view of Pare and further in view of Nicoll**

Claims 1-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sadler in view of Pare and further in view of Nicoll. These rejections are respectfully traversed.

The rejections rely on Sadler as allegedly teaching an ATM (20) which can dispense cash and has a touchscreen display (16). The Action alleges that Sadler teaches interface parameters

(14), keypads (112, 114), recording signatures (252), a tri-color light (Figure 4D), and ID number (110) for users.

The rejections further rely on Pare as allegedly teaching a biometric ATM access system utilizing a biometric database (col. 3, line 35 to col. 4, line 65), and determining a stored interface parameter associated with a user responsive to sensing a characteristic of the user.

The rejections also rely on Nicoll as allegedly teaching audio input and output (18), visual recording means (114), and means for accommodating users of different heights and physical statures.

The Action asserts that it would have been obvious to have combined Sadler with Pare to teach a self-service ATM system which is fraud resistant, practical, and cost effective. The Action also asserts that it would have been obvious to have further combined Sadler/Pare with Nicoll to teach a self-service ATM machine which can accommodate users with varying physical requirements.

The Appellants respectively disagree with the Office's interpretation of the references, as discussed in more detail herein. For example, Sadler does not teach or suggest an ATM which can dispense cash, as alleged. Sadler teaches that a self-checkout terminal (12) includes "an ATM/cash acceptor 20 for receiving tenders of payment from the customer" (col. 3, lines 30-36). That is, Sadler's "ATM" is a device for accepting cash payments and is equivalent to a cash acceptor (20). There is no teaching or suggestion whatsoever in Sadler that the "ATM" can dispense cash, as alleged. Nor is there any teaching or suggestion in Sadler of a checkout customer requesting or needing cash. Nor is there any indication that a store would permit a customer at a self-checkout terminal (12) in Sadler to obtain cash, especially by a cash dispensing

machine. Contrarily, Sadler desires to minimize the waiting time for customers at the self-checkout terminals (col. 4, lines 26-28).

Nor does Sadler inherently teach a cash dispensing ATM. Anticipation by inherency requires that the Office establish that persons skilled in the art would recognize that a cash dispensing ATM was "necessarily present" in Sadler. *In re Robertson*, 169 F.3d 743, 49 U.S.P.Q. 2d 1949 (Fed. Cir. 1999). However, there is no teaching in Sadler of a cash dispensing ATM. Where does Sadler even mention cash dispensing? Nor is there any indication that dispensing cash is necessary or mandatory in Sadler. Nor has the Office proved that every "ATM" is able to dispense cash. The record is absent the evidence necessary to support the Action's assertion of cash dispensing in Sadler. It follows that the rejection lacks substantial evidence support. *In re Zurko*, supra. Nor is the determination of patentability in the Action based on evidence of record. *In re Lee*, supra.

Additionally, the keypads (112, 114), signature (252), tri-color light (Figure 4D), and ID number (110) that the Action attributes to a customer self-checkout terminal (12) in Sadler actually relate to the remote authorization station (26). Sadler teaches that Figures 4A-4K correspond to the remote authorization station (26) (col. 2, lines 21-23; col. 5, lines 57-59). Again, the Office misinterprets the Sadler teaching.

Appellants also respectfully disagree that it would have been obvious to have combined Sadler with Pare in the manner alleged to have produced the recited features and relationships. Even if it were somehow possible (which it isn't) to combine Sadler and Pare as alleged, it would not have been obvious to have included the teaching of Nicoll therewith. Nicoll desires that a user have no physical contact with the terminal (col. 1, lines 38-40; col. 2, lines 1-9). Sadler's

self-service grocery checkout system requires considerable user contact. It is unclear how a user can perform their own check out of groceries without providing physical contact with the system, as taught by Nicoll. For example, Sadler's checkout operation requires customer contact with a touchscreen display (16) and a grocery item scanner (18). Nicoll specifically teaches away from using a keypad and a display (col. 1, lines 57-61; col. 4, lines 7-10). Sadler's self-service grocery checkout system could not operate without the touchscreen display.

The alleged modification to Sadler would destroy Sadler's explicitly taught structure and operation. However, an obviousness rejection cannot be based on a modification if making the modification would result in destroying the utility of the device shown in the prior art reference, which is the current situation. *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988). One having ordinary skill in the art would not have found it obvious to have modified Sadler/Pare with Nicoll as alleged, especially to have produced the recited invention.

Furthermore, the Office's allegation (on Action page 3, lines 18-19) that Nicoll teaches "means for accommodating users of different heights and physical statures" is misleading. The relied on "means" is actually produced by the ability of a user (of any height) in Nicoll to operate the system without having any physical contact therewith. Nicoll is able to accomplish non contact operation by using biometrics along with a speech generator (18) and a speech processor (20). In Nicoll, the system and a user can "converse" with each other (col. 2, lines 8-9).

The Office has not established a *prima facie* showing of obviousness. Because the Office has not produced a *prima facie* case, the Appellants are under no obligation to submit evidence of nonobviousness. MPEP § 2142 (Eighth Edition, August 2001; Rev. 1, Feb. 2003).

None of the references, taken alone or in combination, teach or suggest the recited features and relationships. For example, the combined references don't even teach or suggest a movable display screen (e.g., claim 1). It follows that the combined references cannot teach or suggest moving a display screen responsive to an interface parameter determined from a sensed characteristic feature of a user (e.g., claim 1). Nor do the combined references link or relate at least one characteristic feature corresponding to a user to the positioning of an automated financial transaction apparatus display screen (e.g., claim 37). Where do the references link the positioning of a display screen to a sensed characteristic feature of a user (e.g., claim 37)?

#### Claim 1

Appellants respectfully submit that the Office has not established a *prima facie* showing of obviousness because the combination of references do not teach or suggest the features, relationships, and steps of:

- storing data corresponding to a characteristic feature and an interface parameter for each of a plurality of users.
- responsive to sensing a characteristic feature of a user, determining a stored interface parameter associated with that user.
- responsive to the determined user-associated interface parameter, moving a display screen with a moving device.

None of the references, taken alone or in combination, teach or suggest having a plural user data store including at least one characteristic feature and at least one interface parameter associated with each one of a plurality of users; sensing at least one characteristic feature of a user adjacent to an automated financial transaction apparatus; determining the at least one

interface parameter associated with the user from the sensed at least one characteristic feature; and moving a display screen of the transaction apparatus with a moving device based on the at least one interface parameter that was determined to be associated with that user.

Where do the references link moving a display screen with a characteristic feature and an interface parameter associated with one of a plurality of users? Where do the references teach or suggest moving an interface display screen for a user according to that user's display screen parameter(s), which parameter(s) was determined from sensing a characteristic of that user? Step (d) of claim 1 specifically recites moving a display screen. The references, taken alone or in combination, do not teach or suggest moving a display screen. Where do the combined references teach or suggest moving a movable display screen, especially with a moving device? Absent any evidence to the contrary, Appellants respectfully submit that the references' display screen is conventionally fixed (i.e., not movable by a moving device). Nor do the combined references teach or suggest moving a display screen responsive to an interface parameter determined from a sensed characteristic feature of a user. The Office has not established a *prima facie* showing of obviousness.

The only found mentioning of "moving" in the Action occurs at page 3, line 19. The Action states "means for accommodating users of different heights and physical statures (col. 1, lines 63-66) through moving." The Action is silent as to what is "moving" in Nicoll. Regardless, Nicoll does not teach or suggest moving a display screen, especially in relation to sensing a characteristic feature of a user.

Nor does the Action explain how Sadler could have been modified as alleged, especially to overcome the noted deficiencies therein. Since the Action does not explain the rejections with

reasonable specificity, it also procedurally fails to establish a *prima facie* case of obviousness.

*Ex parte Blanc*, 13 USPQ2d 1383 (Bd. Pat. App. & Inter. 1989). Also, the Action's absence of a specific teaching or suggestion in the references of linking the moving of a display screen to the sensing of a characteristic feature of a user has been interpreted as Agency Action (under the Administrative Procedures Act) admitting that the references do not disclose the recited features, relationships, and steps.

Even if it were somehow possible (which it isn't) to have modified Sadler as alleged, this would not render the resultant combination obvious because the prior art does not suggest the desirability of the modification (MPEP § 2143.01). The Action is devoid of any valid teaching, suggestion, or motivation for modifying Sadler with the teachings of Pare and Nicoll to have produced the recited invention. Nor does Sadler have any need or desire for the alleged modifications. Contrarily, the alleged modifications would appear to defeat Sadler's hands-on self-service grocery checkout system.

Furthermore, even if it were somehow possible (which it isn't) for the references to be combined as alleged, the resultant combination still would not have produced the recited invention of claim 1. That is, even after combining, the previously discussed deficiencies of the references would still remain. For example, even if Sadler could somehow be modified to accept the teachings of Pare and Nicoll, the modified Sadler would still lack the ability to move a display screen, especially in relation to sensing a characteristic feature of a user in the manner recited.

The only suggestion for the recited method is found in Appellants' own novel disclosure. It follows that the alleged modification of Sadler is based solely on hindsight reconstruction of



Appellants' claimed invention, which is legally impermissible and does not constitute a valid basis for a finding of obviousness. *In re Fritch*, 22 USPQ2d 1780 (Fed. Cir. 1992).

As previously discussed, none of the references, taken alone or in combination, teach or suggest the recited features, relationships, and steps. The Action's assertions are not based on any evidence in the record. The rejection lacks substantial evidence support. *In re Zurko*, supra. Nor is the determination of patentability in the Action based on evidence of record. *In re Lee*, supra. The Action does not factually support any *prima facie* conclusion of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Sadler with the teachings of Pare and Nicoll as alleged to have produced the recited method. Thus, Appellants respectfully submit that the 35 U.S.C. § 103(a) rejection of claim 1 should be withdrawn.

#### **Claim 2**

Claim 2 depends from claim 1. As previously discussed, even if the references were combined they still would not teach or suggest moving a display screen in the manner recited. It follows that the references further would not teach or suggest changing the height of a display screen, especially in relation to sensing a characteristic feature of a user. The Office has not established a *prima facie* showing of obviousness.

#### **Claim 3**

Claim 3 depends from claim 1. As previously discussed, even if the references were combined they still would not teach or suggest moving a display screen in the manner recited. It follows that the references further would not teach or suggest moving a display screen to change a tilt angle thereof. The Office has not established a *prima facie* showing of obviousness.

#### Claim 4

Claim 4 depends from claim 1. As previously discussed, even if the references were combined they still would not teach or suggest moving a display screen. It follows that the references further would not teach or suggest moving a display screen to change both a height and a tilt angle thereof. The Office has not established a *prima facie* showing of obviousness.

#### Claim 5

Claim 5 depends from claim 1. The references further do not teach or suggest providing an output through the display screen responsive to an interface parameter associated with a user. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the display screen and providing an output through the display screen? Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 6

Claim 6 depends from claim 5. The references further do not teach or suggest linking the size of display outputted text material to the at least one interface parameter. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the display screen and providing a text material output through the display screen and determining the size of the text material included in the output? Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 7

Claim 7 depends from claim 5. The references further do not teach or suggest linking the size of a display outputted icon to the at least one interface parameter. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the

display screen and providing an icon output through the display screen and determining the size of the icon included in the output? Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 8

Claim 8 depends from claim 5. The references further do not teach or suggest linking the language of display outputted text material to the at least one interface parameter. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the display screen and providing a text material output through the display screen and determining the language of the text material included in the output? Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 9

Claim 9 depends from claim 5. The references further do not teach or suggest linking the size of a display outputted numeral to the at least one interface parameter. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the display screen and providing a numeral output through the display screen and determining the size of the numeral included in the output? Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 10

Claim 10 depends from claim 5. The references further do not teach or suggest linking a display of outputted colors to the at least one interface parameter. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the display screen and providing an output with colors through the display screen and determining at

least one the colors included in the output? Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 11

Claim 11 depends from claim 5. The references further do not teach or suggest linking the presenting of a display output sequence to the at least one interface parameter. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the display screen and determining an output sequence and providing the output sequence through the display screen? Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 12

Claim 12 depends from claim 1. The references further do not teach or suggest controlling an audio output device responsive to an interface parameter associated with the user. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the display screen and controlling an audio output device? Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 13

Claim 13 depends from claim 12. The references further do not teach or suggest controlling the volume of an audio output device responsive to an interface parameter associated with the user. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the display screen and controlling the volume of an audio output device? Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 14

Claim 14 depends from claim 12. The references further do not teach or suggest connecting a portable audio output device associated with the user to a connector prior to controlling the audio responsive to an interface parameter associated with the user. The Office has not established a *prima facie* showing of obviousness.

#### Claim 15

Claim 15 depends from claim 14. The references further do not teach or suggest connecting a portable audio output device associated with the user to an IR connector prior to controlling the audio responsive to an interface parameter associated with the user. The Office has not established a *prima facie* showing of obviousness.

#### Claim 16

Claim 16 depends from claim 12. The references further do not teach or suggest controlling an audio output device responsive to an interface parameter associated with the user and making a handset accessible to the user. Where do the references teach or suggest making a handset accessible to a user? Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 17

Claim 17 depends from claim 12. The references further do not teach or suggest controlling an audio output device responsive to an interface parameter associated with the user and generating white noise through the audio output device. Where do the references teach or suggest generating white noise through an audio output device? Again, the Office has not established a *prima facie* showing of obviousness.

### **Claim 18**

Claim 18 depends from claim 1. The references further do not teach or suggest the controlling an audio input device responsive to an interface parameter associated with the user. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the display screen and controlling an audio input device? The Office has not established a *prima facie* showing of obviousness.

### **Claim 19**

Claim 19 depends from claim 18. The references further do not teach or suggest controlling an audio input device responsive to an interface parameter associated with the user and making a handset accessible to the user. Where do the references (like in claim 16) teach or suggest making a handset accessible to a user? Again, the Office has not established a *prima facie* showing of obviousness.

### **Claim 20**

Claim 20 depends from claim 1. The references further do not teach or suggest activating input capability of a tactile input device responsive to an interface parameter associated with the user. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the display screen and activating input capability of a tactile input device? The Office has not established a *prima facie* showing of obviousness.

### **Claim 21**

Claim 21 depends from claim 20. The references further do not teach or suggest activating input capability of a keypad responsive to an interface parameter associated with the user. Where do the references teach or suggest, responsive to at least one interface parameter

associated with a user, moving the display screen and activating input capability of a keypad?

The Office has not established a *prima facie* showing of obviousness.

#### **Claim 22**

Claim 22 depends from claim 21. The references further do not teach or suggest activating input capability to dispense cash responsive to an interface parameter associated with the user. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving the display screen and activating input capability to dispense cash? The Office has not established a *prima facie* showing of obviousness.

#### **Claim 23**

Claim 23 depends from claim 19. The references further do not teach or suggest rendering the display screen inoperative responsive to an interface parameter associated with the user. Where do the references teach or suggest, responsive to at least one interface parameter associated with a user, moving a display screen and controlling an audio input device and rendering the display screen inoperative? Again, the Office has not established a *prima facie* showing of obviousness.

#### **Claim 24**

Claim 24 depends from claim 1. The combined references do not teach or suggest that at least one characteristic feature for each user corresponds to an appearance feature. Where do the references teach or suggest a link between an appearance feature and moving a display screen? It would not have been obvious to one having ordinary skill in the art to have modified Sadler with the teachings of Pare and Nicoll as alleged to have produced the recited method.

#### **Claim 25**

Claim 25 depends from claim 24. Where do the combined references teach or suggest a link between facial appearance and moving a display screen in the manner recited? A *prima facie* case of obviousness has not been established.

#### **Claim 26**

Claim 26 depends from claim 24. Where do the combined references teach or suggest a link between eye appearance and moving a display screen in the manner recited? Again, a *prima facie* case of obviousness has not been established.

#### **Claim 27**

Claim 27 depends from claim 24. Where do the combined references teach or suggest a link between a fingerprint and moving a display screen in the manner recited? The Office has not established a *prima facie* showing of obviousness.

#### **Claim 28**

Claim 28 depends from claim 24. Where do the combined references teach or suggest a link between both an appearance feature and a voice feature to moving a display screen? The Office has not established a *prima facie* showing of obviousness.

#### **Claim 29**

Claim 29 depends from claim 1. The combined references do not teach or suggest that at least one characteristic feature for each user includes data included on a user-carryable article. Where do the references teach or suggest a link between user-carryable article data and moving a display screen? It would not have been obvious to one having ordinary skill in the art to have



modified Sadler with the teachings of Pare and Nicoll as alleged to have produced the recited method.

#### **Claim 30**

Claim 30 depends from claim 29. Where do the combined references teach or suggest a link between account number data included on a user-carryable article and moving a display screen? The Office has not established a *prima facie* showing of obviousness.

#### **Claim 31**

Claim 31 depends from claim 1. The combined references do not teach or suggest that at least one characteristic feature of each user corresponds to a voice feature of the user. Where do the references teach or suggest a link between a user voice feature and moving a display screen? It would not have been obvious to one having ordinary skill in the art to have modified Sadler with the teachings of Pare and Nicoll as alleged to have produced the recited method.

#### **Claim 32**

Note Appellants' remarks in support of the patentability of claim 1. Claim 32 comprises an apparatus that substantially permits the method of claim 1 to be carried out. For similar reasons to those previously discussed, none of the references, taken alone or in combination, teach or suggest the recited features and relationships.

For example, the references do not teach or suggest a display screen movement mechanism that is in operative connection with a display screen and can move the display screen. Nor do the references teach or suggest causing the display screen movement mechanism to move the display screen responsive to a first user interface parameter associated with a sensed characteristic feature of the first user. Where do the references teach or suggest an automated

financial transaction apparatus with the structural ability to cause a movement mechanism to move a display screen in response to a first user interface parameter, where the first user's interface parameter was associated with the first user in response to the sensing of a characteristic feature associated with the first user?

The Office has not established a *prima facie* showing of obviousness. Appellants respectfully submit that it would not have been obvious to one having ordinary skill in the art to have modified Sadler with the teachings of Pare and Nicoll as alleged to have produced the recited apparatus of claim 32.

### **Claim 33**

Claim 33 depends from claim 32. The combined references do not teach or suggest the recited movement mechanism. Where do the references teach or suggest a movement mechanism that enables changing the height and tilt angle of a display screen? Where do the references teach or suggest changing the height and tilt angle of a display screen responsive to the at least one interface parameter associated with a user? The Office has not established a *prima facie* showing of obviousness.

### **Claim 34**

Claim 34 depends from claim 32. The combined references further do not teach or suggest, responsive to at least one interface parameter, enabling a transaction function device (including at least one of a cash dispenser and a cash acceptor) to operate responsive to at least one input to a tactile input device. Again, the Office has not established a *prima facie* showing of obviousness.

### **Claim 35**

Claim 35 depends from claim 32. The combined references further do not teach or suggest, responsive to at least one interface parameter, enabling a transaction function device (including at least one of a cash dispenser and a cash acceptor) to operate responsive to at least one input to an audio input device. The Office has not established a *prima facie* showing of obviousness.

### **Claim 36**

Claim 36 depends from claim 32. The combined references further do not teach or suggest the ability to sense a characteristic appearance feature of a user with a reading device including an imaging device, nor the ability to move a display screen responsive to a first user interface parameter associated with the characteristic appearance feature. The Office has not established a *prima facie* showing of obviousness.

### **Claim 37**

Note Appellants' remarks in support of the patentability of claim 32. For similar reasons to those previously discussed, none of the references, taken alone or in combination, teach or suggest the recited features and relationships.

The references further do not teach or suggest at least one associated interface parameter for each of the characteristic features, especially where the interface parameter corresponds to a position of a movably mounted display screen. The references do not link the positioning of a display screen to a characteristic feature of a user. Where do the references teach or suggest an automated financial transaction apparatus having the structural ability to sense a user's characteristic feature and to cause a movement mechanism to move a movably mounted display

screen to a position corresponding to an interface parameter associated with the characteristic feature? The references do not teach or suggest the recited relationships of the movably mounted display screen, computer, reading device, movement mechanism, and data store including a plurality of characteristic features associated with at least one interface parameter corresponding to a position of the display screen. Exactly where are these features and relationships taught or suggested in the references?

Again, the Office has not established a *prima facie* showing of obviousness. Appellants respectfully submit that it would not have been obvious to one having ordinary skill in the art to have modified Sadler with the teachings of Pare and Nicoll as alleged to have produced the recited apparatus of claim 37.

#### **Claim 38**

Note Appellants' remarks in support of the patentability of claim 32. For similar reasons previously discussed, none of the references, taken alone or in combination, link a display screen with a characteristic feature of a user. Even if Sadler was modified with the teachings of Pare and Nicoll as alleged, the result would still lack the recited features and relationships.

For example, the modified Sadler would still not teach or suggest the correspondence of a user's characteristic feature and an interface parameter associated with a display screen, such that the display screen is affected by the characteristic feature via the interface parameter. The references do not teach or suggest an automated financial transaction apparatus that has the structural ability to receive data indicative of a first user characteristic feature and, responsive thereto, determine the first user interface parameter and cause the display screen to selectively either operate or not operate responsive to the first user interface parameter.

Again, the Office has not established a *prima facie* showing of obviousness. Appellants respectfully submit that it would not have been obvious to one having ordinary skill in the art to have modified Sadler with the teachings of Pare and Nicoll as alleged to have produced the recited apparatus of claim 38.

#### **Claim 39**

Claim 39 depends from claim 38. The combined references further do not teach or suggest an automated financial transaction apparatus comprising a movement mechanism that can move a display screen responsive to a determined at least one first user interface parameter. As previously discussed, the combined references do not teach or suggest a display screen movement mechanism. Where do the references even teach a display screen that can be moved? The Office has not established a *prima facie* showing of obviousness.

#### **Claim 40**

Claim 40 depends from claim 39. The combined references further do not teach or suggest a movement mechanism that can change an angle of view of a display screen. Again, the Office has not established a *prima facie* showing of obviousness.

#### **Claim 41**

Claim 41 depends from claim 38. The combined references further do not teach or suggest an automated financial transaction apparatus with the ability to receive data related to at least one user characteristic feature and, responsive thereto, cause a display screen to selectively either operate or not operate responsive to at least one user interface parameter corresponding to the at least one characteristic feature, especially where the at least one characteristic feature

comprises a biometric input. Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 42

Claim 42 depends from claim 38. The combined references further do not teach or suggest an automated financial transaction apparatus with the ability to receive data related to at least one user characteristic feature and, responsive thereto, cause a display screen to selectively either operate or not operate responsive to at least one user interface parameter corresponding to the at least one characteristic feature, especially where the at least one characteristic feature comprises a wireless signal from a portable device. Where do the references relate operation of a display screen to a wireless signal? Again, the Office has not established a *prima facie* showing of obviousness.

#### Claim 43

Claim 43 depends from claim 40. The combined references further do not teach or suggest an automated financial transaction apparatus comprising a movement mechanism that can change a vertical height of a display screen, especially in response to a determined at least one user interface parameter (which corresponds to at least one characteristic feature). Again, a *prima facie* case of obviousness has not been established. Appellants respectfully submit that it would not have been obvious to one having ordinary skill in the art to have modified Sadler with the teachings of Pare and Nicoll as alleged to have produced the recited invention.

## CONCLUSION

Each of Appellants' pending claims specifically recites features, relationships, and/or steps that are neither disclosed nor suggested in any of the applied prior art. Furthermore, the applied prior art is devoid of any teaching, suggestion, or motivation for combining features of the applied prior art so as to produce the recited invention. For these reasons it is respectfully submitted that all the pending claims are allowable.

Respectfully submitted,



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## CLAIM APPENDIX

1. A method comprising:
  - a) storing in at least one data store in operative connection with at least one computer, data corresponding to a plurality of users, and for each one of the plurality of users, at least one characteristic feature and at least one interface parameter;
  - b) sensing with a reading device in operative connection with an automated financial transaction apparatus, at least one characteristic feature of a user adjacent to the apparatus;
  - c) determining through operation of the computer responsive to the at least one characteristic feature, the at least one interface parameter associated with the user in the data store;
  - d) moving through operation of the computer, a display screen included on the automated financial transaction apparatus with a moving device responsive to the at least one interface parameter associated with the user.
2. The method according to claim 1 wherein in step (d) the display screen is moved to change a height of the display screen.



3. The method according to claim 1 wherein in step (d) the display screen is moved to change a tilt angle of the display screen.
4. The method according to claim 1 wherein in step (d) the display screen is moved to change both a height and a tilt angle of the display screen.
5. The method according to claim 1 and further comprising:
  - e) providing responsive to operation of the computer, at least one output through the display screen responsive to the at least one interface parameter associated with the user.
6. The method according to claim 5 wherein in step (e) the at least one output includes text material, and wherein size of the text material included in the at least one output is determined responsive to the at least one interface parameter.
7. The method according to claim 5 wherein in step (e) the at least one output includes an icon, and wherein size of the icon included in the at least one output is determined responsive to the at least one interface parameter.

8. The method according to claim 5 wherein in step (e) the at least one output includes text material, and wherein language of the text material is determined responsive to the at least one interface parameter.
9. The method according to claim 5 wherein in step (e) the at least one output includes at least one numeral, and wherein size of the at least one numeral is determined responsive to the at least one interface parameter.
10. The method according to claim 5 wherein in step (e) the at least one output includes at least two colors, and wherein at least one of the colors is determined responsive to the at least one interface parameter.
11. The method according to claim 5 wherein in step (e) a sequence comprising a plurality of outputs is presented, and wherein the sequence is determined responsive to the at least one interface parameter.
12. The method according to claim 1 and further comprising:
  - e) controlling at least one audio output device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user.

13. The method according to claim 12 wherein in step (e) the volume of the at least one audio output device is controlled responsive to the at least one interface parameter.
14. The method according to claim 12 and prior to step (e) further comprising the step of:  
  
connecting a portable audio output device associated with the user to a connector in operative connection with the apparatus.
15. The method according to claim 14 wherein in the connecting step the connector includes an IR connector.
16. The method according to claim 12 wherein step (e) includes making a handset accessible to the user.
17. The method according to claim 12 wherein step (e) includes generating white noise through the at least one audio output device.
18. The method according to claim 1 and further comprising:  
  
e) controlling at least one audio input device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user.

19. The method according to claim 18 wherein step (e) includes making a handset accessible to the user.
20. The method according to claim 1 and further comprising:
  - e) activating input capability of at least one tactile input device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user.
21. The method according to claim 20 wherein the tactile input device includes a keypad, wherein in step (e) inputs to the keypad are operative to control at least one transaction function device in operative connection with the computer.
22. The method according to claim 21 wherein the at least one transaction function device is operative to dispense cash.
23. The method according to claim 19 and further comprising:
  - f) rendering the display screen inoperative to show transaction information responsive to the at least one interface parameter associated with the user.

24. The method according to claim 1 wherein in step (a) the at least one characteristic feature for each user corresponds to an appearance feature.
25. The method according to claim 24 wherein in step (a) the appearance feature includes at least one feature of facial appearance.
26. The method according to claim 24 wherein in step (a) the appearance feature includes eye appearance.
27. The method according to claim 24 wherein in step (a) the appearance feature includes at least a portion of at least one fingerprint.
28. The method according to claim 24 wherein in step (a) at least one characteristic feature for each user corresponds to both an appearance feature and a voice feature.
29. The method according to claim 1 wherein in step (a) the at least one characteristic feature for each user includes data included on an article adapted to be carried by the user.
30. The method according to claim 29 wherein in step (a) the data corresponds to an account number associated with the user.

31. The method according to claim 1 wherein in step (a) at least one characteristic feature of each user corresponds to a voice feature of the user.

32. An automated financial transaction apparatus comprising:

a reading device operative to sense at least one characteristic feature usable to identify a user;

a movably mounted display screen;

a movement mechanism in operative connection with the display screen;

at least one computer in operative connection with at least one data store, the reading device and the movement mechanism, wherein the data store includes data corresponding to a plurality of users, and for each of the plurality of users, an associated at least one characteristic feature and at least one interface parameter;

wherein the computer is operative to cause the movement mechanism to move the display screen responsive to at least one interface parameter associated in the data store with a first user among the plurality of users, responsive to the reading device sensing the at least one characteristic feature associated in the data store with the first user.

33. The apparatus according to claim 32 wherein the movement mechanism enables changing the height and tilt angle of the display screen, and wherein the height and tilt angle are changed through operation of the computer responsive to the at least one interface parameter associated with the first user.
34. The apparatus according to claim 32 and further comprising a tactile input device and a transaction function device, the transaction function device including at least one of a cash dispenser and a cash acceptor, and wherein the computer is operative responsive to the at least one interface parameter to enable the transaction function device to operate responsive to at least one input to the tactile input device.
35. The apparatus according to claim 32 and further comprising an audio input device, and a transaction function device, wherein the transaction function device includes at least one of a cash dispenser and a cash acceptor, and wherein the computer is operative responsive to the at least one interface parameter to cause the transaction function device to operate responsive to at least one input to the audio input device.
36. The apparatus according to claim 32 wherein the reading device includes an imaging device, wherein the characteristic feature sensed by the reading device includes an appearance feature of a user.

37. An automated financial transaction apparatus comprising:

a reading device operative to sense at least one characteristic feature associated with each of a plurality of users;

a movably mounted display screen;

a movement mechanism in operative connection with the display screen;

a computer in operative connection with a data store, the computer also in operative connection with the reading device and the movement mechanism, wherein the data store includes data corresponding to a plurality of characteristic features, wherein at least one of the characteristic features corresponds to at least one of the plurality of users, and for each one of the characteristic features at least one associated interface parameter, wherein the interface parameter corresponds to a position of the display screen;

wherein the computer is operative responsive to the reading device sensing a first characteristic feature corresponding to one of the plurality of users, to cause the movement mechanism to move the display screen to a position corresponding to an interface parameter associated in the data store with the first characteristic feature.



38. An automated financial transaction apparatus comprising:

a device operative to receive data indicative of at least one characteristic feature corresponding to a user;

a display screen;

at least one computer in operative connection with at least one data store, wherein the data store includes data representative of a plurality of characteristic features, and for each characteristic feature, a corresponding user and at least one interface parameter, and wherein the computer is operative responsive to the device receiving data indicative of at least one first user characteristic feature, to determine data corresponding to a first user and at least one first user interface parameter, and to cause the display screen to selectively either operate or not operate responsive to the at least one first user interface parameter.

39. The apparatus according to claim 38 and further comprising a movement mechanism, and wherein the computer is operative when the display screen is to be operated, to cause the movement mechanism to move the display screen responsive to the determined at least one first user interface parameter.

40. The apparatus according to claim 39 wherein the movement mechanism changes an angle of view of the display screen.
41. The apparatus according to claim 38 wherein the at least one characteristic feature comprises a biometric input.
42. The apparatus according to claim 38 wherein the at least one characteristic feature comprises a wireless signal from a portable device.
43. The apparatus according to claim 40 wherein the movement mechanism changes vertical height of the display screen.